

DRAFT
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

DETAILED MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2011

GRANTEE State of Tennessee

EIN: 62-6001445

ADDRESS 14th Floor Citizens Plaza State Office Building

400 Deaderick Street

Nashville, TN 37243-1403

NAME OF LIHEAP COORDINATOR Pam Davenport

EMAIL: Pam.Davenport@tn.gov

TELEPHONE: (615) 313-4762 **FAX:** (615) 532-9956

PLEASE CHECK ONE: TRIBE _____ **STATE** **X** **INSULAR AREA** _____

Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Washington, DC 20447

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01

OMB Approval No. 0970-0075

Expiration Date: 09/30/2011

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)

Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which the grantee is not permitted to file an abbreviated plan. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Assurances

The State of Tennessee agrees to:
(Grantee Name)

(1) use the funds available under this title to--

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

(A) households in which one or more individuals are receiving--

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed the greater of—

(i) an amount equal to 200 percent of the poverty level for such State; or

(ii) an amount equal to 70 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that—

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15) * beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

*** This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Neither territories with annual allotments of \$200,000 or less nor Indian tribes/tribal organizations are subject to Assurance 15.**

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.**

Signature: _____

Title: Commissioner

Date: _____

*** Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**** If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION of AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

***** HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

statutory
references

2605(a)

2605(b)(1) ➔ Please check which components you will operate under the LIHEAP program.
(Note: You must provide information for each component designated here as requested elsewhere in this plan.)

	<u>Dates of Operation</u>
(use of funds) <u> X </u> heating assistance	<u>July 1, 2010 – June 30, 2011</u>
<u> X </u> cooling assistance	<u>July 1, 2010 – June 30, 2011</u>
<u> X </u> crisis assistance	<u>July 1, 2010 – June 30, 2011</u>
_____ weatherization assistance	_____

2605(c)(1)(C) ➔ Please estimate what amount of available LIHEAP funds will be used for each component that you will operate: **The total of all percentages must add up to 100%.**

(use of funds)	<u> 40 </u> % heating assistance
	<u> 20 </u> % cooling assistance
	<u> 30 </u> % crisis assistance
2605(k)(1)	<u> 0 </u> % weatherization assistance
	<u> 0 </u> % carryover to the following fiscal year
2605(b)(9)	<u> 10 </u> % administrative and planning costs
2605(b)(16)	<u> 0 </u> % services to reduce home energy needs including needs assessment (assurance 16)
	<u> 0 </u> % used to develop and implement leveraging activities (limited to the greater of 0.08% or \$35,000 for States, the greater of 2% or \$100 for territories, tribes and tribal organizations).
	<u> 100% </u> TOTAL

statutory
references

2605(c)(1)(C)

(alternate use
of crisis assistance
funds)

➔ The funds reserved for winter crisis assistance that have not been expended by March 15 will be reprogrammed to:

_____ heating assistance

 X cooling assistance

_____ weatherization assistance

_____ Other (specify):

➔ Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served? (This is required by the statute.)

Yes X No _____

2605(b)(2)

2605(c)(1)(A)

(eligibility)

➔ What are your maximum eligibility limits?

(Please check the components to which they apply.)

Current year guidelines must be used.

_____ 150% of the poverty guidelines:
heating _____ cooling _____ crisis _____ wx _____

_____ 125% of the poverty guidelines:
heating X cooling X crisis X wx _____

_____ 110% of the poverty guidelines:
heating _____ cooling _____ crisis _____ wx _____

_____ 60% of the State's median income:
heating _____ cooling _____ crisis _____ wx _____

 X Other (specify for each component)

200% for all components

 X Households automatically eligible if one person is receiving
 X TANF, X SSI, X Food Stamps, X Certain means-
tested veterans programs (heating X cooling X crisis X
wx X)

statutory
references

2605(c)(1)(A)
2605(b)(2)
(eligibility)

➔Do you have additional eligibility requirements for:

HEATING ASSISTANCE X Yes No)

➔Do you use:

Yes No

Assets test?

 X

➔Do you give priority in eligibility to:

Elderly?

 X

Disabled?

 X

Young children?

 X

Other:

 X

(If Yes, please describe)

references

2605(c)(1)(A)

2605(b)(2)

(eligibility)

➔Do you have additional eligibility requirements for:

COOLING ASSISTANCE (X Yes No)

➔Do you use:

YesNo

Assets test?

 X

➔Do you give priority in eligibility to:

Elderly?

X

Disabled?

X

Young children?

X

Other:

(If Yes, please describe)

 X

statutory
references

2604(c)
2605(c)(1)(A)
(eligibility)

→ Do you have additional eligibility requirements for:

CRISIS ASSISTANCE (X Yes No)

	<u>Yes</u>	<u>No</u>
→ Do you use:		
Assets test?	<u> </u>	<u> X </u>
Must the household have received a shut-off notice or have an empty tank?	<u> X </u>	<u> </u>
Must the household have exhausted regular benefit?	<u> X </u>	<u> </u>
Must the household have received a rent eviction notice?	<u> </u>	<u> X </u>
Must heating/cooling be medically necessary?	<u> </u>	<u> X </u>
Other (Please explain):	<u> X </u>	<u> </u>
See definition of crisis below.		

→ What constitutes a crisis? (Please describe)

- The Crisis Assistance component will be based on **uncontrollable circumstances** which must include either a shut off notice, disconnected utilities or a lack of home delivered fuel notice in combination with at least one of the following:
 - **Household has an unanticipated medical or major household expense.** Out of pocket expense should exceed 100% of current utility bill. Documentation could include: receipts of payments made to meet this unanticipated medical or major household expense.
 - **Household wage earner with at least a year of stable work history has lost his/her job within the last twelve (12) months.** Documentation could include: letter from employer, termination or lay-off notice, UI claims, UI notification of eligibility.
 - **Household wage earner has left the home within the past forty-five (45) days.** Documentation could include recent application for family assistance (Families First, Food

Stamps), order of protection, police report, revised lease, or other legal documentation.

- **Death of wage earner within the last twelve (12) months.** Documentation could include obituary, death certificate, and funeral program.
- **Significant loss of work hours.** Documentation could include a letter from employer outlining details of loss of work hours or pay stubs.
- **Household wage earner is unable to work due to illness and does not receive sick leave or time away from work.** Documentation could include a statement from employer.
- **Household has a non-functioning or malfunctioning heating system.**
- **Child under the age of six (6) in the home.**
- **Elderly - 1 member of household is age 60 or above.**
- **Disabled – 1 member of household is disabled.**
 - Uncontrollable Circumstances must be explained by the client and documented to the extent possible.
 - Applications are continuously accepted for Crisis Assistance throughout the contract period, regardless of the availability of funds, and a waiting list is maintained, as necessary.
 - If an agency has expended all Crisis funding, a Crisis applicant may be served under Regular LIHEAP funding, if available.

references

2605(c)(1)(A)
(eligibility)

➔Do you have additional eligibility requirements for:

WEATHERIZATION (___ Yes ___ No)**Not applicable: Tennessee is not using LIHEAP for weatherization in FFY 2011**

➔Do you use:

Yes No

Assets test?

Priority groups? (Please list)

➔Are you using Department of Energy (DOE) Low
Income Weatherization Assistance Program
(LIWAP) rules to establish eligibility or to establish
priority eligibility for households with certain
characteristics?

➔If Yes, are there exceptions?

—
Please list below.

statutory
references

2605(b)(3)
2605(c)(3)(A)

(outreach)

→ Please check the outreach activities that you conduct that are designed to assure that eligible households are made aware of all LIHEAP assistance available:

 X provide intake service through home visits or by telephone for the physically infirm (i.e. elderly or disabled).

 X place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.

 X publish articles in local newspapers or broadcast media announcements.

 X include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.

 X make mass mailing to past recipients of LIHEAP.

 X inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.

 execute interagency agreements with other low-income program offices to perform outreach to target groups.

 X other (Please specify):

Outreach Responsibilities of Local Contract Agencies

Effective outreach means that the most vulnerable households, as prioritized by the state, are made aware of the LIHEAP program. Agencies may use a portion of their grant funds (to a maximum of 5%) to give priority to outreach efforts. Agencies are required to conduct at least one outreach activity per quarter. Outreach activities may include, but are not limited to, the following:

- Provide intake service through home visits or by telephone for elderly or disabled persons
- Place posters / flyers in local and county social services offices, office of aging, Social Security offices, VA offices, etc.
- Place posters / flyers in medical offices, senior citizens centers, etc.
- Place posters / flyers in malls, local recreation centers, and other common gathering places for seniors
- Publish articles in local newspapers or broadcast media announcements
- Billboards, metro buses, bus benches, other public transportation programs, etc.
- Include inserts in energy vendor billings
- Mass mailings to past recipients of LIHEAP
- Inform applicants of other low-income programs of the availability of LIHEAP
- Utilize early application period at the beginning of the program for elderly and disabled persons only prior to the general public
- Accept applications for energy crisis assistance at multiple locations
- Execute interagency agreements with other low-income program offices to perform outreach to target groups
- Toll-free phone line for information
- Special assistance such as translation and bilingual brochures to non-English speaking households
- Mailings to recipients of other social service programs such as food stamps, Families First, etc. to target families with small children, disabled individuals, and seniors
- Post application on-line for mail-in applicants
- Place copies of applications and program fact sheets in public libraries and senior centers
- Public speaking appearances by program staff to local community groups
- Provide agency contact information to local resource agencies and directories
- Include insert or information for church bulletins and faith-based newsletters
- Allow prior year SSI recipients to update their information by phone or email
- Provide informational flyers to local schools
- Agency staff participates in local community resource fairs

Outreach Responsibilities of the Department

1. Provide the general public with information on the program through media outlets releases at least quarterly; and
2. Provide the general public with information on the program on the Department's web page as well as telephone and electronic means of communication; and
3. Provide technical assistance to local contract agencies

DRAFT

statutory
references

2605(b)(4)
(coordination)

➔ Please describe how you will assure that LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.

Local agencies administering the LIHEAP program typically administer the Weatherization Assistance Program (WAP) and the Community Services Block Grant (CSBG) program and individual program staff make interagency referrals on behalf of their clients.

2605(b)(5)
2605(b)(2)
2605(b)(8A)
(benefit
levels)

➔ The statute requires that there be no difference in the treatment of households eligible because of their income and those eligible because they receive benefits under TANF, Food Stamps, SSI, or certain means-tested veterans programs ("categorically eligible"). How do you ensure there is no difference when determining eligibility and benefit amounts? This applies to all components unless specifically noted below.

Benefits under TANF, Food Stamps, SSI and/or others means-tested veterans programs are excluded from the total household income when determining eligibility.

statutory
references

HEATING COMPONENT

2605(b)(5) → Please check the variables you use to determine your benefit levels (check all (determination that apply): of benefits)

- ☒ income
- ☒ family (household) size
- ☒ home energy cost or need
 - ☐ fuel type
 - ☐ climate/region
 - ☐ individual bill
 - ☐ dwelling type
 - ☒ energy burden
(% of income spent on home energy)
 - ☐ energy need
 - ☐ other (describe)

2605(b)(5) → Describe how you will assure that the highest benefits go to households
2605(c)(1)(B) with the lowest incomes and the highest energy costs or needs in
(benefit relation to income, taking into account family size.
levels)

Please describe benefit levels or attach a copy of your payment matrix.

PRIORITY POINTS SYSTEM

The determination of which eligible households receive assistance is accomplished through the Priority Points System. Under this system, applicants are given points based on their incomes based on family size, energy burden, and the presence of vulnerable members in the household. Those applicants with the lowest incomes, highest energy burden, and greatest vulnerability receive the most number of points available.

After the total number of points is determined for each eligible household, the applicants are ranked from the highest number of points to those with the lowest number. Those households with the highest number of points receive priority in assistance and will be served subject to available funds. In addition, the number of points awarded to each household is the determining factor in the benefit level of assistance provided to each household, except as provided in the State Plan for household which are only subject to the payment of “overages”.

The following criteria are to be used to calculate each applicant household’s total number of points:

LIHEAP Priority Point System – FY 2011

Revised 6/01/10

Income Based on Family Size (35 Point Maximum)

% of Federal Poverty Guidelines	Points
0-50%	35 points
51-75%	30 points
76-100%	25 points
101-125%	20 points
125-150%	15 points
151-175%	10 points
176-200%	5 points

Energy Burden (20 point maximum)

% of Income Used for Home Energy Cost	Points
14% or higher	20 points
9-13%	15 points
4-8%	10 points
3% or less	5 points

Vulnerable Household Members (50 point maximum)

Household with:	Points
Elderly (70 years or older)	15 points
Elderly (60-69 years)	10 points
Disabled	10 points
Children under 6 years of age	10 points
APS Referral	10 points
Households with six (6) or more persons	5 points

Benefit Levels

Total Points	Benefit Amount
0-50 points	300.00 150.00 if client lives in Public Housing and only pays utility “overage”
55-75	450.00 225.00 if client lives in Public Housing and only pays utility “overage”
80-105	600.00 300.00 if client lives in Public Housing and only pays utility “overage”

Benefits levels are established by the State and used by all LIHEAP agencies in the State of Tennessee. Benefit levels must be established in ranges as indicated in the chart above. Benefit levels are uniform statewide.

The benefit levels for Energy Assistance (Heating and Cooling) and for Crisis Assistance must be included in the agency’s operational plan.

To determine which households are to receive priority in assistance when sufficient funds are not available to serve all households with the same number of points, the applications will be ranked based on the energy burden calculated. Those households with the highest energy burdens are to receive assistance first.

The Priority Points System for Energy Assistance will be used as a basis to initially determine the level of assistance with one exception. The calculation of the energy burden for electric and/or natural gas bills will be based on the amount of the bill concerned with the shut-off notice. If the application is not based on a shut-off notice and involves depletion of home-delivered energy (i.e., coal, fuel oil, kerosene, LP gas, and/or wood), the policy concerned with the submission of energy cost documentation for home-delivered energy assistance is to be used.

➔ Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?

☐ Yes ☒ No If Yes, please describe.

statutory
references

2605(b)(5)
2605(c)(1)(B)

COOLING COMPONENT

➔ Please check the variables you use to determine your benefit levels (check all that apply):

(determination
of benefits)

- ☒ income
- ☒ family (household) size
- ☒ home energy cost or need
 - ☐ fuel type
 - ☐ climate/region
 - ☐ individual bill
 - ☐ dwelling type
- ☒ energy burden
(% of income spent on home energy)
- ☐ energy need
- ☐ other (describe)

2605(b)(5)
2605(c)(1)(B)

(benefit
levels)

➔ Describe how you will assure that the highest benefits will go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size. Please describe benefit levels or attach a copy of your payment matrix.

PRIORITY POINTS SYSTEM

The determination of which eligible households receive assistance is accomplished through the Priority Points System. Under this system, applicants are given points based on their incomes based on family size, energy burden, and the presence of vulnerable members in the household. Those applicants with the lowest incomes, highest energy burden, and greatest vulnerability receive the most number of points available.

After the total number of points is determined for each eligible household, the applicants are ranked from the highest number of points to those with the lowest number. Those households with the highest number of points receive priority in assistance and will be served subject to available funds. In addition, the number of points awarded to each household is the determining factor in the benefit level of assistance provided to each household, except as provided in the State Plan for household which are only subject to the payment of "overages".

The following criteria are to be used to calculate each applicant household's total number of points:

LIHEAP Priority Point System – FY 2011

Revised 6/01/10

Income Based on Family Size (35 Point Maximum)

% of Federal Poverty Guidelines	Points
0-50%	35 points
51-75%	30 points
76-100%	25 points
101-125%	20 points
125-150%	15 points
151-175%	10 points
176-200%	5 points

Energy Burden (20 point maximum)

% of Income Used for Home Energy Cost	Points
14% or higher	20 points
9-13%	15 points
4-8%	10 points
3% or less	5 points

Vulnerable Household Members (50 point maximum)

Household with:	Points
Elderly (70 years or older)	15 points
Elderly (60-69 years)	10 points
Disabled	10 points
Children under 6 years of age	10 points
APS Referral	10 points
Households with six (6) or more persons	5 points

Benefit Levels

Total Points	Benefit Amount
0-50 points	300.00 150.00 if client lives in Public Housing and only pays utility "overage"
55-75	450.00 225.00 if client lives in Public Housing and only pays utility "overage"
80-105	600.00 300.00 if client lives in Public Housing and only pays utility "overage"

Benefits levels are established by the State and used by all LIHEAP agencies in the State of Tennessee. Benefit levels must be established in ranges as indicated in the chart above. Benefit levels are uniform statewide.

The benefit levels for Energy Assistance (Heating and Cooling) and for Crisis Assistance must be included in the agency's operational plan.

To determine which households are to receive priority in assistance when sufficient funds are not available to serve all households with the same number of points, the applications will be ranked based on the energy burden calculated. Those households with the highest energy burdens are to receive assistance first.

The Priority Points System for Energy Assistance will be used as a basis to initially determine the level of assistance with one exception. The calculation of the energy burden for electric and/or natural gas bills will be based on the amount of the bill concerned with the shut-off notice. If the application is not based on a shut-off notice and involves depletion of home-delivered energy (i.e., coal, fuel oil, kerosene, LP gas, and/or wood), the policy concerned with the submission of energy cost documentation for home-delivered energy assistance is to be used.

→ Do you provide in-kind (e.g. fans) and/or other forms of benefits?

 Yes X No If Yes, please describe.

2605(b)(5)
2605(c)(1)(B)

CRISIS COMPONENT

(determination
of benefits)

➔How do you handle crisis situations?

 X separate component other (please explain)

➔If you have a separate component, how do you determine crisis assistance benefits?

 amount to resolve crisis, up to maximum

 X other (please describe)

A crisis component is required, utilizing a minimum of 30% of the funds allocated on the “Specific Assistance to Individuals” line of the Grant Budget.

Energy Crisis is now defined Statewide as: Sudden, unexpected, uncontrollable loss of financial resources; life threatening conditions or any circumstances that threaten the stability of the household if energy assistance is not provided.

Energy Crisis Component is now defined Statewide as: program component which provides services to households which are subject to life-threatening conditions without immediate intervention to address their critical energy-related needs. Applications determined eligible to meet the Energy Crisis definition and which are based on uncontrollable circumstances that have not allowed the payment of energy bills, will receive assistance on a “fast-track” approach to alleviate the crisis situation.

- Based on priority points system, the minimum benefit level for Crisis Assistance is \$300 and the maximum benefit level is \$600 per year.
- Crisis Assistance will be provided to eligible households not later than 48 hours after a household applies or prior to the date and time of the termination or depletion of the primary energy source, if the application is made at least twenty-four (24) hours in advance excluding Saturdays, Sundays, and official agency holidays, whichever occurs first. Subject to availability in either the Crisis funds or Regular funds.
- Crisis Assistance will be provided to eligible households not later than 18 hours after the household applies if the household is in a life-threatening situation (utility service is disconnected or fuel is depleted). Subject to availability in either the Crisis funds or Regular funds.
- Crisis Assistance will be provided in an amount sufficient to alleviate the crisis and

within the applicant's determined benefit level amount.

- Crisis applications will be accepted for the assistance at sites that are geographically accessible to all households in the area to be served.
- Individuals who are physically infirm will be provided the means to submit Crisis applications without leaving their residence or to travel to the sites at which applications are accepted.
- Agencies will determine the maximum benefit level for the Crisis component within the same parameters as the Regular LIHEAP program component.

(benefit
levels)

➔ Please indicate the maximum benefit for each type of crisis assistance offered.

heating	\$ <u>0</u>	maximum benefit
cooling	\$ <u>0</u>	maximum benefit
year-round	\$ <u>600</u>	maximum benefit

➔ Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?

 Yes X No If Yes, please describe.

statutory
references

2605(b)(5)
2605(c)(1)

**WEATHERIZATION & OTHER ENERGY RELATED
HOME REPAIR AND IMPROVEMENTS**

Not applicable for FFY 2011 in Tennessee

(B) & (D)

➔What LIHEAP weatherization services/materials do you provide?
(Check all categories that apply.)

(types of
assistance)

☐ Weatherization needs assessments/audits.
☐ Caulking, insulation, storm windows, etc.
☐ Furnace/heating system modifications/repairs
☐ Furnace replacement
☐ Cooling efficiency mods/repairs/replacement
☐ Other (Please describe)

(benefit
levels)

➔Do you have a maximum LIHEAP weatherization benefit/expenditure
per household? ☐ Yes ☐ No

If Yes, what is the maximum amount? \$_____

➔Under what rules do you administer LIHEAP weatherization? (Check
only one.)

(types of
rules)

☐ Entirely under LIHEAP (not DOE) rules
☐ Entirely under DOE LIWAP rules
☐ Mostly under LIHEAP rules with the following DOE LIWAP rule(s)
where LIHEAP and LIWAP rules differ (Check all that apply):

☐ Weatherize buildings if at least 66% of units (50% in 2- &
4-unit buildings) are eligible units or will become eligible within
180 days
☐ Weatherize shelters temporarily housing primarily low
income persons (excluding nursing homes, prisons, and similar
institutional care facilities).
☐ Other (Please describe)

☐ Mostly under DOE LIWAP rules, with the following
LIHEAP rule(s) where LIHEAP and LIWAP rules differ (Check
all that apply.)

☐ Weatherization not subject to DOE LIWAP maximum
statewide average cost per dwelling unit.
☐ Other (Please describe.)

2605(b)(6) The state or tribe administers LIHEAP through the following local agencies:

(agency designation) ☐ county welfare offices
☐ community action agencies (weatherization component only)
☒ community action agencies (heating, cooling or crisis)
☐ charitable organizations
☐ not applicable (i.e. state energy office)
☐ tribal office
☐ other, describe:

→ Have you changed local administering agencies from last year?
☐ Yes ☒ No

If Yes, please describe how you selected them.

→ What components are affected by the change?

2605(c)(1)(E) → Please describe any additional steps (other than those described elsewhere in this plan) that will be taken to target assistance to households with high home energy burdens. **(This applies to all components. If all steps to target households with high home energy burdens are described elsewhere in the plan, no further information is required here.)**

(targeting of assistance)

No additional information to provide.

statutory
references

2605(b)(7)
(energy
suppliers)

➔Do you make payments directly to home energy suppliers?

Heating Yes X No

Cooling Yes X No

Crisis Yes X No

If Yes, are there exceptions? Yes X No

If Yes, please describe.

Payments are made by the sub-grantees to the vendors.

2605(b)(7)(A)

➔If you make payments directly to home energy suppliers, how do you notify the client of the amount of assistance paid? (Please describe)

Copies of the payment vouchers are provided by the sub-grantee to the client.

2605(b)(7)
(B) & (C)

➔How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.

Vendor agreements are used by the sub-grantees for the heating, cooling and crisis assistance components of the program.

"MODEL"

**BENEFIT CHECK/VOUCHER AGREEMENT FOR
PARTICIPATION IN THE
2010-2011 LOW INCOME HOME ENERGY ASSISTANCE PROGRAM**

BETWEEN

(Electric and/or Natural Gas Utility or Public Housing Authority)

AND

Local LIHEAP Agency

THIS AGREEMENT, by and between the _____
(Electric and/or Natural Gas Utility or Public Housing
Authority)

_____, hereinafter
referred

to as the Home Energy Supplier, and the

(Local LIHEAP Agency)

herein after referred to as the Local LIHEAP Agency (LLA), in consideration of the mutual promises herein contained, the parties have agreed and do hereby enter into this agreement according to the provisions set out herein:

- A.** The Home Energy Supplier agrees to the following conditions and terms:
- 1.** To participate in the 2009-2010 Low Income Home Energy Assistance Program (LIHEAP) in accordance with the approved LIHEAP State Plan and Federal regulations.
 - 2.** To accept benefit checks and vouchers on behalf of eligible households for the purpose of providing LIHEAP services for clients identified to receive such benefits.
 - 3.** To apply benefit check or voucher amounts to the energy accounts of eligible and certified households.
 - 4.** To not discriminate against the eligible in offering deferred payment or level payment plans or in the other conditions of sale, credit, or price to the customer.

5. To record the LIHEAP payments to the Home Energy Supplier's books as a credit to the households' accounts.
6. To refund any LIHEAP credit balances to the LIHEAP agency who made the payment on behalf of the customer, if the customer terminates their service.
7. To be responsible for compliance with the terms and provisions of this agreement and to understand that this agreement may be revoked by the LLA for noncompliance by the Home Energy Supplier.
8. To permit and cooperate with State and/or Federal investigations undertaken in connection with Section 2608, Title XXVI, Low Income Home Energy Assistance Act of 1981 as amended, concerning the use of funds received under this title in order to evaluate compliance with the provisions and assurances made by the State. Such investigations may require examination of appropriate books, documents, papers and records pertaining to customers served with funds under this program. Reasonable notice will be made to the Home Energy Supplier in advance of any investigation and the costs of conducting such an investigation will be borne by the Department.

B. The local LIHEAP agency agrees to the following conditions and terms:

1. To issue benefit checks and/or vouchers for assistance and to provide payments on vouchers when they are properly signed and returned to the LLA.
2. To provide guidance to the Home Energy Supplier during the implementation and operation of the Low Income Home Energy Assistance Program.
3. To maintain the right to monitor, evaluate and spot-check the Home Energy Supplier's operation and activities according to this agreement with respect to the clients served.
4. To submit applications subject to available funding to the Department for eligible households according to LIHEAP guidelines.

C. All parties agree to the following:

1. To comply fully with Titles VI and VII of the Civil Rights Act of 1964; and Section 504 of the Rehabilitation Act of 1973; and ensure that no person on the basis of handicap, race, color, religion, sex, age or national origin, will be excluded from participation in, or be denied benefits of, or be otherwise subjected to discrimination in the performance of this agreement, or in the employment practices of the home energy supplier and the LLA. Such employment practices may include, but are not limited

to, recruitment, recruitment advertising, hiring, layoff or termination, promotion, demotion, transfer, rate of pay, training and participation in upward mobility programs, or other forms of compensation and use of facilities. The home energy supplier and the LLA shall upon request show proof of such nondiscrimination, and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

2. Any party may terminate this agreement by giving a written fifteen (15) day notice.
3. The LLA may terminate this agreement with written notice if the Home Energy Supplier fails to comply with the terms and provisions of this agreement.
4. The beginning date of this agreement is July 1, 2010, and the ending date shall be June 30, 2011.
5. The execution of this agreement by the Home Energy Supplier to participate in the LIHEAP is not to be interpreted as a "waiver" of any right, term, or condition obtained by the Home Energy Supplier pursuant to customer service under an agreement outside of this agreement, except to the extent such right, term or condition is in conflict with the provision of the agreement or State or Federal law.
6. This agreement may be amended by written modification and/or additional terms which are mutually acceptable to the parties.

IN WITNESS WHEREOF, the parties have by their duly authorized representatives set their signatures.

APPROVED:

HOME ENERGY SUPPLIER

ADDRESS

CITY

STATE

ZIP CODE

PHONE NUMBER

SIGNATURE OF DIRECTOR/BUSINESS MANAGER

DATE

APPROVED:

LOCAL LIHEAP AGENCY

GRANTEE Tennessee

FFY 2011

LLA BOARD CHAIRMAN

DATE

DRAFT

statutory
references

2605(b)(8)(B)

➔ Is there any difference in the way owners and renters are treated? If Yes, please describe.

(owners
and
renters)

HEATING ASSISTANCE

 Yes X No

COOLING ASSISTANCE

 Yes X No

CRISIS ASSISTANCE

 Yes X No

WEATHERIZATION (NA for this year)

 Yes No

statutory
references

2605(b)(10)
(program,
fiscal
monitoring
and audit)

➔How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description of how you monitor fiscal activities.)

FISCAL CONTROL AND ACCOUNTABILITY

General

Generally accepted accounting principles will be adhered to in preparation of reports. Each contract agency receiving funds under the program must be audited according to their contract.

Fiscal Control Procedures

The Department will use the following procedures to ensure fiscal control of funds:

1. Review all proposed budgets to assure that all proposed expenditures are allowable in accordance with applicable State and Federal requirements;
2. Review on a monthly basis all expenditures made by the agencies, in both client services and administrative categories, as reflected on the specified financial reporting form;
3. Make periodic on-site monitoring visits to the agencies to review fiscal procedures;
4. Provide technical assistance and training to agency personnel as needed;
5. Review agency audits to assure that required principles and guidelines were adhered to in administering the program; and
6. Require that contract agencies adhere to the Accounting Manual for Recipients of Grant Funds in Tennessee, published by the State of Tennessee, Comptroller of the Treasury, (available at <http://comptroller.state.tn.us/ma/nonprofit/nonprofit1.pdf>) and the DHS Fiscal Policies and Procedures for Third Party Agencies or Other Contractors, as amended.

Fiscal Records

Local contract agencies are required to maintain fiscal and program records, books, papers and other evidence to support accounting and personnel procedures and practices which sufficiently reflect all direct and indirect costs expended in their operation of the LIHEAP. Such records shall be maintained until an audit has been performed and all questions related thereto have been resolved or for a minimum of three (3) years. These records shall be maintained in accordance with generally accepted accounting principles at no less than those recommended in the Accounting Manual for Recipients of Grant Funds in Tennessee, published by the Comptroller of the Treasury, State of Tennessee.

Such records shall be maintained in accessible form and shall be subject to monitoring, inspection, and audit by the Department, the State of Tennessee's Comptroller of the Treasury or his designated representative, and Federal personnel including the U. S. Comptroller General or his designated representative and authorized representatives of the U. S. Department of Health and Human Services. In order to provide full audit disclosure, the scope of audits shall include the financial activities of all other entities managed or controlled by the board of the agency or by its employees. Agencies shall assume full financial liability for audit exceptions ruled as final after the agency has received notice and been offered the opportunity to participate in review of the audit exceptions with State or Federal officials, as appropriate.

➔How do you monitor program activities? (Please be sure to include a description of how you monitor eligibility and benefit determination.)

Programmatic Monitoring

Program monitoring will be conducted by the Department's Program Review and Internal Audit staff. These same monitors are also responsible for monitoring the State's Weatherization Assistance Program, Community Services Block Grant Program, Social Services Block Grant Program, and other programs managed by the Department.

Each agency will be monitored subject to federal program requirements. Visits will be announced and arranged through written communications. Unannounced visits will be made in the event of complaints identifying program irregularities. Each monitoring visit will serve to evaluate compliance with all program policy areas.

All visits will consist of an entrance and exit conference. The policy areas to be reviewed will be presented by monitoring staff to local agency

personnel during the entrance conference. The exit conference will involve a presentation of the findings of the review.

In addition, all monitoring visits will be followed by letters to agency board chairpersons to communicate the findings of the reviews. Corrective Action Plans (CAP) must be submitted to the Department within 30 days of the date of the monitoring report. In the event of program deficiencies, the Department will have the responsibility to confirm the correction of the deficiencies.

➔How is your LIHEAP program audited?

Under the Single Audit Act? X Yes No
If not, please describe:

The financial statements and all books of account and financial records of the Department of Human Services in respect to the FY 2011 LIHEAP shall be subject to annual audit by the Comptroller of the Treasury for the State of Tennessee, or their duly appointed representatives. All such audits shall be performed in accordance with generally accepted government auditing standards, the provisions of OMB Circular A-128, (the Single Audit Act of 1984), and the Audit Manual for Governmental Units and Recipients of Grant Funds, published by the Comptroller of the Treasury for the State of Tennessee.

For States and Territories:

➔Is there an annual audit of local administering agencies? X Yes
No
If not, please explain.

All local administering agencies that receive \$500,000 or more in aggregate federal and/or state funding for their programs shall be subject to annual audit by the Tennessee Comptroller of the Treasury or the Comptroller's duly appointed representative. When an audit is required, each agency may, with the prior approval of the Comptroller, engage a licensed independent public accountant to perform the audit. The audit contract between the contract agency and the licensed independent public accountant shall be on a contract form prescribed by the Tennessee Comptroller of the Treasury.

Any such audit shall be performed in accordance with generally accepted government auditing standards, the provisions of OMB Circular A-133, if applicable, and the *Audit Manual for Governmental Units and Recipients*

of Grant Funds published by the Tennessee Comptroller of the Treasury. The contract agency shall be responsible for reimbursement of the cost of the audit prepared by the Tennessee Comptroller of the Treasury, and payment of fees for the audit prepared by the licensed independent public accountant. Payment of the audit fees of the licensed independent public accountant by the contract agency shall be subject to the provisions relating to such fees contained in the prescribed contract form noted above. Copies of such audits shall be provided to the Tennessee Department of Human Services, the Tennessee Comptroller of the Treasury, and the Department of Finance and Administration and shall be made available to the public.

statutory
references

2605(b)(12)

(timely and
meaningful

➔How did you get timely and meaningful public participation in the development of the plan? (Please describe.)

A focus group of agencies that administer LIHEAP funds to the citizens of Tennessee worked in conjunction with State office staff to develop meaningful, relevant policies and procedures for the upcoming year. Each agency developed operational plans based on the decision made with respect to all federal policies and procedures.

2605(a)(2)

(public hearings)

➔Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds? When and where?

 X Yes No

(Not required for Tribes and tribal organizations)

The Public Hearing on the FY 2011 federal application is scheduled for August 23, 2010. The public hearing will be followed by a 7-day written comment period.

statutory
references

2605(b)(13)

(fair
hearings)

➔Describe your fair hearing procedures for households whose applications are denied or not acted on in a timely manner. When are applicants informed of these rights?

Applicants are provided information on their fair hearing procedures rights at the time their applications are submitted.

➔Denials

Fair Hearing Process

An applicant for, or recipient of, assistance or services has a right to appeal any action taken in regard to the assistance or services for which he/she has applied, is receiving, or which has been terminated.

Clients and applicants for services or assistance through any programs offered through the Department have a right to request a fair hearing for any of the following reasons:

1. Application for service or assistance is denied (**except for lack of funds**);
2. Applicant was not provided an opportunity to submit an application for services or assistance at the time of their initial request;
3. The notification of application status is not made within 30 days of date of application; or
4. The client is dissatisfied with the services or assistance for any reason.

Every applicant or recipient of services or assistance shall be informed by local agency staff at the time of application and at the time of any action affecting his/her claim to assistance or services of the following:

1. of his/he right to a Fair Hearing;
2. of the method by which he/she may obtain a hearing; and
3. of his/her right to be represented by an authorized representative, such as legal counsel, relative, or friend. Information and referral services shall be provided to help claimants make use of any legal services available in the community that can provide legal representation at the hearing.

Responsibilities of Local Contract Agencies

The right to appeal is provided to ensure due process for those individuals and families who are denied assistance under any of the Department's programs including the LIHEAP program. Each agency's Board of Directors will establish procedures for fair hearings at the local level.

When an applicant feels that he/she has been denied services or assistance, or the opportunity to apply for services or assistance, a review hearing will be held upon the applicant's written request. A client who is dissatisfied with the service or assistance that they received may also request a hearing.

Applicants may not appeal when an application is denied due to a lack of funds.

To file a request for a hearing, the applicant must fill out a complaint form. The applicant will retain a copy of the form. Also, one copy will be provided to the Department's Community Services office and a third copy will be placed in the applicant's permanent file by the local contract agency.

A letter will be sent to all applicants stating either that the application is approved with the awarded benefit amount listed or that the application is denied. Also, the letter will state the correct procedures to follow for an appeal of an application denial through the agency's established grievance procedures.

Applicants for services or assistance or clients dissatisfied with the receipt of services or assistance must file their grievance within 30 days of the denial of, or receipt of, the services or assistance. Upon receipt of a request for a hearing, the hearing must be held in a timely manner following the agency's established procedures for fair hearings.

If a client is dissatisfied with the agency's decision, he/she may appeal to the Department. Requests to the Department for a hearing may be made in writing, electronic mail, or telephone within thirty (30) days of the notification of the outcome of the local hearing. No request for a Department-level hearing will be accepted until a hearing at the local level is held as most issues can be resolved at the local level.

In the event an applicant must utilize this final step, local agency staff will assist the applicant in notifying the Department of their request for a hearing.

All requests for Departmental level appeals must be submitted to:

Pam Davenport, Director
Community Services
TN Department of Human Services
400 Deaderick Street, 14th Floor
Nashville, TN 37248

(615) 313-4762

Pam.Davenport@tn.gov

Following the receipt of a request for a hearing, the Department's Division of Appeals and Hearings will be notified. The client will be contacted by Appeals and Hearings staff to schedule the hearing which will be conducted by a Departmental Hearing Officer. If a request for a hearing is received, the local agency will be requested to submit copies of files and documentation regarding the grievance and the steps taken to address the issues.

State and Federal Requirements

Tennessee's Public Welfare Statutes and Federal law require that there be provisions for appeals and fair hearings for applicants and recipients of assistance and services provided by the Department.

If a formal complaint is made to the Federal Department of Health and Human Services (HHS) alleging that the Tennessee Department of Human Services (DHS) has failed to use LIHEAP funds in accordance with the federal statute, HHS must, within sixty (60) days after it receives the complaint, provide a written response to the complainant. DHS will be required to participate in the resolution of the complaint within the period of time designated by HHS.

→ Applications Not Acted On In a Timely Manner

Same procedures as above for denials.

statutory
references

2605(b)(15)

For States and Puerto Rico only (not applicable to Tribes and tribal organizations, or to territories whose annual regular LIHEAP allotments are \$200,000 or less):

→ Does the State agency that administers the following LIHEAP component also administer the State's welfare program?

(alternate
outreach
and intake)

HEATING ASSISTANCE

 X Yes No

If Yes, describe alternate process for outreach and intake:

Information and referral procedures are in place at each of the 95 County offices of the Department of Human Services.

COOLING ASSISTANCE

 X Yes No

If Yes, describe alternate process for outreach and intake:

Information and referral procedures are in place at each of the 95 County offices of the Department of Human Services.

CRISIS ASSISTANCE

 X Yes No

If Yes, describe alternate process for outreach and intake:

Information and referral procedures are in place at each of the 95 County offices of the Department of Human Services.statutory

references

2605(b)(16)

→ Do you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance? (This assurance refers to activities such as needs assessments, counseling, and assistance with energy vendors.)

 X Yes No

If Yes, please describe these activities.

Local administering agencies provide clients with information on energy conservation tips, and provide assistance to clients when issues arise with cutoff notices and other problems with their energy suppliers.

If Yes, how do you ensure that you don't use more than 5% (statutory ceiling) of your LIHEAP funds for these activities?

The Outreach/Consumer Education program component is capped for the local administering agency budgets to ensure the 5% cap is not exceeded.

statutory
references

2607A

(leveraging)

→ Please describe leveraging activities planned for the fiscal year. (**This entry is optional.***) Complete this entry if you plan to apply for LIHEAP leveraging incentive funds and to include in your leveraging report resources/benefits provided to low income households this fiscal

year under criterion (iii) in 45 CFR 96.87(d)(2). Provide the following information for each:

- (1) Identify and described each resource/benefit;
- (2) Identify the source(s) of each resource; and
- (3) Describe the integration/coordination of each resource/benefit with the LIHEAP program, consistent with 1 or more of conditions A-H in 45 CFR 96.87(d)(2)(iii).

Local agencies are encouraged to develop partnerships with local energy suppliers and other community groups to secure leveraged resources. Agencies will report monthly qualifying LIHEAP leveraging funds during the program year. The State will in-turn report leveraging in order to be eligible to receive federal LIHEAP funds in the following program year.

* Leveraged resources/benefits that are counted under criterion (iii) in 45 CFR 96.87(d)(2) must be identified and described in the grantee's LIHEAP plan and distributed as indicated in the plan. In addition, leveraging resources/benefits that are counted under criterion (ii) must be carried out under one or more components of the grantee's regular LIHEAP program.

statutory
references

2605(b)

→ Please describe performance goals and measures planned for the fiscal year. **(This entry is optional.)**

(performance)
goals and
measures)